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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KAMAL, SHAHID

ART UNIT

PAPER NUMBER

3621

MAIL DATE

DELIVERY MODE

10/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/019,794	SAKAMOTO, TETSUHIRO	
	Examiner	Art Unit	
	SHAHID KAMAL	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34, 44 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34, 44, and 58-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/01/2009, 07/24/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

1. Claims 1-34, 44, and 58-61 are now pending in this application and have been examined
2. This Office Action is responsive to the amendment filed on July 07, 2009.

Information Disclosure Statement

3. The Information Disclosure Statement filed on 01 October 2009 and 24 July 2009 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-34, 44, and 58-61 are rejected under 35 U.S.C. 102(b) as anticipated by Walker et al. (US Patent No. 5,794,207) (“Walker”).

6. Referring to claim 1, Walker discloses the following:

a) receiving buying request data (“central controller 200”) representing a buying order and a buying condition (“provide condition 530”) for the right of use of the encrypted content digital data (“digital goods/c12, l30-48”), the buying request data being transmitted through the

Art Unit: 3621

communication network (electronic network) (see fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51- central controller receiving buying request cryptographic data with purchase condition (CPO) from a buyer);

b) receiving selling request data (“central controller 200”) representing a selling request and a selling condition for the right of use of the encrypted content digital data (“digital goods/c12, 130-48”), the selling request data being transmitted through the communication network (“network”) (see fig. 9, 10, 14 and c8, 142-49 –central controller receiving selling request data with selling condition from a seller);

c) deciding a transaction price for the right of use the content digital data (“digital goods/c12, 130-48”) corresponding to the received buying request data and the selling request data (see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer); and

d) concluding buying transactions and selling transactions according to the decided transaction price and transmitting an encryption key for decrypting the encrypted content digital data (“digital goods/c12, 130-48”) over the communication network to a buyer of the right of use of the content digital data (“digital goods/c12, 130-48”) (see c9, 117-30 and c34, claim 23);

e) wherein the encrypted content digital data (“digital goods/c12, 130-48”) are converted into usable data by a decryption process performed in accordance with auxiliary digital data (“digital goods/c12, 130-48”) corresponding to the content digital data (“digital goods/c12, 130-48”), and the auxiliary digital data (“digital goods/c12, 130-48”) includes validation period data indicating a period in which the encryption key (“within database 290”) may be used and limit

Art Unit: 3621

period data indicating a period in which the encrypted content digital data may be reproduced (see abstract, fig. 2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

7. Referring to claim 2, Walker further discloses storing information with respect to the selling transactions and the buying transactions (see c12, 154-67 –data stores in data storage device-250).

8. Referring to claim 3, Walker further discloses publicizing information with respect to the selling and the buying transactions through the communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller).

9. Referring to claim 4, Walker further discloses wherein the use of the content digital data has been limited (see fig.10 (1020-limited goods), c16, 11-11 –a buyer can buy selected number of goods which is limited).

10. Referring to claim 5, Walker further discloses wherein the content digital data is character data (see c16, 11-16 -goods include airline ticket, hotel room, cars etc).

11. Referring to claim 6, Walker further discloses wherein the content digital data is picture data (see abstract, fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

Art Unit: 3621

12. Referring to claim 7, Walker further discloses wherein the content digital data is audio data (see c16, 11-16 -goods include airline ticket, hotel room, cars etc).
13. Referring to claim 8, Walker further discloses wherein the content digital data is program data of a game (see c16, 11-16 -goods include airline ticket, hotel room, cars etc).
14. Referring to claim 9, Walker further discloses storing the content digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions (see c12, 154-67 –data stores in data storage device-250).
15. Referring to claim 10, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to the decided transaction price (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).
16. Referring to claim 11, Walker further discloses wherein the decided transaction price is stored in a device that performs a process for the concluding of the selling transactions and the buying transactions as time elapses (see c12, 154-67 –data stores in data storage device-250).
17. Referring to claim 12, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to information

Art Unit: 3621

regarding people concerned with the selling transactions (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

18. Referring to claim 13, Walker further discloses wherein the information regarding the people concerned contains identification information and personal information of the people (see fig 11, c8, 128-41, c8, 157-65 –identify the buyers information).

19. Referring to claim 14, Walker further discloses publicizing at least part of information regarding a process for the concluding of the selling transactions and the buying transactions through the communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller).

20. Referring to claim 15, Walker further discloses wherein at least part of information regarding a process for the concluding of the selling transactions and the buying transactions is stored and the stored information is rewritten (see c12, 154-67 –data stores in data storage device-250).

21. Referring to claim 16, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying price (see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

Art Unit: 3621

22. Referring to claim 17, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying transaction execution date (see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

23. Referring to claim 18, Walker further discloses wherein buyer-side data that represents the buying condition is data regarding a buying transaction settlement method (see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

24. Referring to claim 19, Walker further discloses wherein seller-side data that represents the selling condition is data regarding a selling price (see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

25. Referring to claim 20, Walker further discloses wherein [seller side] seller-side data that represents the selling condition is data regarding a selling transaction execution date(see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer).

26. Referring to claim 21, Walker further discloses wherein seller-side data that represents the selling condition is data regarding a selling transaction settlement method (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

27. Referring to claim 22, Walker further discloses settling concluded selling transactions and buying transactions and generating data with respect to a paying and receiving process corresponding to a settled result (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

28. Referring to claim 23, Walker further discloses rewriting asset information of personal information of people concerned with settled selling transactions and buying transactions to pay and receive the transaction price with respect to the selling transactions and the buying transactions (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

29. Referring to claim 24, Walker further discloses wherein the content digital data have been encrypted to limit use of the content digital data (see fig.10 (1020-limited goods), c16, 11-11 –a buyer can buy selected number of goods which is limited).

30. Referring to claim 25, Walker further discloses wherein the transaction price is decided for the auxiliary digital data (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

31. Referring to claim 26, Walker further discloses storing the auxiliary digital data to a device that performs a process for the concluding of the selling transactions and the buying transactions (see c12, 154-67 –data stores in data storage device-250).

32. Referring to claim 27, Walker further discloses wherein the conclusion of the selling transactions and the buying transactions is performed corresponding to identification information of the auxiliary digital data (see fig 11, c8, 128-41, c8, 157-65 –identify the buyers information).

33. Referring to claim 28, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of buyer-side data and a number of seller-side data with respect to the digital data and the auxiliary digital data (see fig.10 (1020-limited goods), c16, 11-11 –a buyer can buy selected number of goods which is limited).

34. Referring to claim 29, Walker further discloses wherein the number of the buyer-side data and the number of the seller-side data with respect to the content digital data and the auxiliary digital data are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as time elapses (see fig.10 (1020-limited goods), c16, 11-11 –a buyer can buy selected number of goods which is limited).

Art Unit: 3621

35. Referring to claim 30, Walker further discloses wherein a process for the concluding of the selling transactions and the buying transactions is performed corresponding to a number of the content digital data and a number of the auxiliary digital data supplied and received (see c12, 18-20 –number of goods receive).

36. Referring to claim 31, Walker further discloses wherein the number of the content digital data and the number of the auxiliary digital data supplied and received are stored in a device that performs the process for the concluding of the selling transactions and the buying transactions as time elapses (see c12, 154-67 –data stores in data storage device 250).

37. Referring to claim 32, Walker further discloses reading the number of the buyer-side data and the number of the seller-side data corresponding to the content digital data and the auxiliary digital data and the number of the content digital data and the number of the auxiliary digital data supplied and received, the number of the buyer-side data, the number of the seller-side data, the number of the digital data, and the number of the auxiliary digital data having been stored (see c12, 154-67 –data stores in data storage device 250); and deciding a transaction price corresponding to the data read in the reading step (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

38. Referring to claim 33, Walker further discloses reading the information regarding the people concerned, the identification information of the auxiliary digital data, and the transaction

Art Unit: 3621

price decided for the right of use of the content digital data and the auxiliary digital data, the information regarding the people concerned, the identification information of the auxiliary digital data, and the transaction price decided for the content digital data and the auxiliary digital data having been stored, and deciding the transaction price corresponding to the data read in the reading step (see abstract, c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are parted to a legally binding contact).

39. Referring to claim 34, Walker further discloses transmitting the content digital data and the auxiliary digital data regarding the concluded selling transactions and buying transactions to the buyer of the right of use of the content digital data over the communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller).

40. Referring to claim 44, Walker discloses the following:

f) receiving buyer-side data that represents a buying order for the right of use of the content digital data and a buying condition through the communication network (see c8, 142-44, c12, 13-7 –communication network is an electronic network is connected with buyer, seller and central controller);

g) receiving seller-side data that represents a selling order for the right of use of the content digital data and a selling condition through the communication network (see c8, 142-44, c12, 13-7

Art Unit: 3621

–communication network is an electronic network is connected with buyer, seller and central controller);

h) deciding a transaction price for the right of use of the content digital data corresponding to a number and contents of the buyer-side data and a number and contents of the seller-side data (see c12, 154-67 –data stores in data storage device-250); and

i) concluding the selling transactions and the buying transactions according to the transaction price (see c9, 117-30 and c34, claim 23 –when a seller accepts an active CPO, an unique tracking number is assigned to the seller's acceptance, than buyer and seller are partied to a legally binding contact).

j) wherein the encrypted content digital data (digital goods/c12, 130-48) are converted into usable data by a decryption process performed in accordance with auxiliary digital data (digital goods/c12, 130-48) corresponding to the content digital data (digital goods/c12, 130-48), and the auxiliary digital data (digital goods/c12, 130-48) includes validation period data indicating a period in which the encryption key (within database 290) may be used and limit period data indicating a period in which the encrypted content digital data may be reproduced (see abstract, fig. 2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

41. Referring to claim 58, Walker further discloses wherein the auxiliary digital data includes an attribute value indicating whether the validation period is in effect (see abstract, fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

Art Unit: 3621

42. Referring to claim 59 Walker further discloses wherein the auxiliary digital data includes an attribute value indicating whether the limit period is in effect (see abstract, c8, 142-49, c9, 11-67, c11, 141-51).

43. Referring to claim 60, Walker further discloses wherein the auxiliary digital data includes an attribute value indicating whether the validation period is in effect (see abstract, fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

44. Referring to claim 61, Walker further discloses wherein the auxiliary digital data includes an attribute value indicating whether the limit period is in effect (see abstract, c8, 142-49, c9, 11-67, c11, 141-51).

Response to Arguments

45. Applicant's arguments filed on July 7, 2009 have been fully considered but they are not persuasive.

46. As per claims 1-34, 44, and 58-61, Applicant argues "Walker does not disclose receiving buying request data representing a buying order and a buying condition for the right of use of the encrypted content digital data, the buying request data being transmitted through the communication network; receiving selling request data representing a selling request and a selling condition for the right of use of the encrypted content digital data, the selling request data being transmitted through the communication network; deciding a transaction price for the right of use the content digital data corresponding to the received buying request data and the selling

Art Unit: 3621

request data; and concluding buying transactions and selling transactions according to the decided transaction price and transmitting an encryption key for decrypting the encrypted content digital data over the communication network to a buyer of the right of use of the content digital data; wherein the encrypted content digital data are converted into usable data by a decryption process performed in accordance with auxiliary digital data corresponding to the content digital data, and the auxiliary digital data includes validation period data indicating a period in which the encryption key may be used and limit period data indicating a period in which the encrypted content digital data may be reproduced (response pages 11-14)".

47. Walker teaches receiving buying request data representing a buying order and a buying condition for the right of use of the encrypted content digital data, the buying request data being transmitted through the communication network (see fig.2, 5, c8, 142-49, c9, 11-67, c11, 141-51- central controller receiving buying request cryptographic data with purchase condition (CPO) from a buyer); receiving selling request data representing a selling request and a selling condition for the right of use of the encrypted content digital data, the selling request data being transmitted through the communication network ("network") (see fig. 9, 10, 14 and c8, 142-49 – central controller receiving selling request data with selling condition from a seller); deciding a transaction price for the right of use the content digital data corresponding to the received buying request data and the selling request data (see c10, 140-56, c16, 146-62 and c32, claim 1 –a buyer who wanted a sale a car is specified a price for a customer); and concluding buying transactions and selling transactions according to the decided transaction price and transmitting an encryption key for decrypting the encrypted content digital data over the communication network to a buyer of the right of use of the content digital data (see c9, 117-30 and c34, claim 23);

Art Unit: 3621

wherein the encrypted content digital data are converted into usable data by a decryption process performed in accordance with auxiliary digital data corresponding to the content digital data, and the auxiliary digital data includes validation period data indicating a period in which the encryption key may be used and limit period data indicating a period in which the encrypted content digital data may be reproduced (see abstract, fig. 2, 5, c8, 142-49, c9, 11-67, c11, 141-51).

Conclusion

48. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

49. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The examiner can normally be reached on MONDAY through THURSDAY between the hours of 8:30 AM and 7 PM.

Art Unit: 3621

51. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

52. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

53. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SK
October 20, 2009

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621